

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

ELVIN CLIFFORD WATKINS,

Plaintiff,

v.

**CIVIL ACTION NO. 3:14-CV-09
(JUDGE GROH)**

**BOB ROBERTS, Director and
Chief of Police, West Virginia University,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION THAT PLAINTIFF'S
COMPLAINT BE DISMISSED**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge James E. Seibert. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Seibert for submission of a proposed report and a recommendation. Magistrate Judge Seibert filed his report and recommendation on March 17, 2014 [Doc. 16]. In that filing, the magistrate judge recommended that this Court dismiss with prejudice Plaintiff's Complaint for failure to state a claim for which relief may be granted pursuant to 28 U.S.C. § 1915(e)(B)(2).

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150, 160 S.Ct. 466 (1985). In addition, failure to file timely objections constitutes a waiver of *de*

novo review and the parties' right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).


Objection to Judge Seibert's report and recommendation were due within fourteen (14) days of being served with a copy of the same, pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). The docket reflects that service was accepted by March 21, 2014. See [Doc. 17]. However, on April 1, 2014, Plaintiff filed a motion for extension of time to file objections to the report and recommendation. On April 11, 2014, this Court granted Plaintiff's motion for an extension of time to file objections. Accordingly, this Court extended the period for Plaintiff to file objections by thirty days, which made the deadline for filing objections May 12, 2014. As of this date, May 20, 2014, Plaintiff has not filed objections to the report and recommendation.

Upon careful review of the report and recommendation, it is the opinion of this Court that the magistrate judge's **Report and Recommendation [Doc. 16]** should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. Accordingly, the Court hereby orders that Plaintiff's Complaint is **DISMISSED WITH PREJUDICE**. The Clerk is **DIRECTED** to terminate this matter and strike it from the Court's docket. The Clerk is also directed to enter judgment in favor of Defendants pursuant to Federal Rule of Civil Procedure 58.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* Plaintiff by certified mail, return receipt requested.

DATED: May 21, 2014



GINA M. GROH
UNITED STATES DISTRICT JUDGE